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## TELECOPIER TRANSMITTAL FORM

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APR 30 2004

**DATE:** April 30, 2004  
**TO:** Examiner Barbara N. Burgess  
**FIRM:** USPTO, Group Art Unit 2157  
**FAX #:** (703) 872-9306  
**PHONE:** (703) 305-3366  
**FROM:** Jon A. Gibbons

**TOTAL NUMBER OF PAGES: 14  
(INCLUDING THIS PAGE)**

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**MESSAGE:**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s): Michael L. EMENS et al.**

**Serial No.: 09/611,839**

**For: SOFTWARE AND METHOD FOR CONTROLLING  
THE TIMING OF DELAYED DOWNLOADS**

**Enclosed are the following:**

Transmittal letter (1 page); and Response with Amendment (12 pages)

**Docket No.: AM9-1999-0218**

**110-A99-173**

**April 30, 2004**

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

: Atty. Docket No. AM9-1999-0218

Michael L. EMENS, et al.

: Group Art Unit: 2157

Serial No. 09/611,839

: Examiner: Barbara N. Burgess

Filed: July 7, 2000

: Confirmation No. 6929

For: SOFTWARE AND METHOD FOR CONTROLLING THE TIMING OF DELAYED DOWNLOADS

TRANSMITTAL**MAIL STOP AMENDMENT**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

Transmitted herewith is an amendment in the above-identified application.

[X] No additional filing fee is required.

The fee has been calculated as shown below. (*Small entity fees indicated in parentheses.*)

CLAIMS AS AMENDED						
(1)	(2) Claims Remaining After Amendment	(3)	(4) Highest Number Previously Paid For	(5) Extra Claims	(6) Rate	(7) Fee
Total Claims <i>(Small Entity)</i>	<u>21</u>	-	<u>21</u>	<u>0</u>	18.00 <i>( 9.00)</i>	<u>0</u>
Independent claims <i>(Small Entity)</i>	<u>5</u>	-	<u>5</u>	<u>0</u>	86.00 <i>(43.00)</i>	<u>0</u>
Multiple Dependent <i>(Small Entity)</i>	<u>0</u>	-	<u>0</u>	<u>0</u>	290.00 <i>(145.00)</i>	<u>0</u>
Extension of Time Fee <i>(Small Entity)</i>	One Month \$110 (\$55)	Two Months \$420 (\$210)	Three Months \$950 (\$475)			<u>0</u>
<b>Total</b>						<b>\$0.00</b>

XX The Commissioner is hereby authorized to charge any required fees to Deposit Account No. 09-0441.

Respectfully submitted,

Date: 4/30/04By:   
Jon A. Gibbons  
Reg. No. 37,333

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APR 30 2004

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PWB  
5-6-04PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/611,839  
 Applicant : Michael L. EMENS et al.  
 Filed : July 7, 2000  
 TC/A.U. : 2157  
 Examiner : Barbara N. BURGESS  
 Docket No. : AM9-1999-0218  
 Customer No. : 23334

Confirmation No. 6929

**OFFICIAL**VIA FACSIMILE (703) 872-9306

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450  
**Attention: Examiner Barbara N. BURGESS**

RESPONSE WITH AMENDMENT UNDER 37 C.F.R. § 1.111

Sir:

The following amendment is being submitted in response to the Office Action dated January 30, 2004 in connection with the above-identified application. Please enter and consider the following amendment and remarks as follows:

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date April 30, 2004 By: Karen Taragowski,  
 Signature: Karen Taragowski  
 Applicant, Assignee, or Representative

AM9-1999-0218

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09/611,839